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ABSTRACT

There is a tendency for debaters and judges to view a single quote or opinion as conclusive evidence proving a point. But evidence can only point toward a conclusion; it cannot prove a conclusion conclusively. Experts may offer their opinions (sometimes as fact) but these opinions are only educated guesses. This is not to say that evidence from authorities has no use in debate, but that the degree of certainty attributed to an argument which is supported solely by an individual quotation is quite low. Because reasons are what give an argument validity, debate trainers should require that debaters understand the reasons for the expert's conclusions rather than just accept the expert's conclusions uncritically. Judges often contribute to another faulty view of evidence, by placing high standards on the content of an evidence card and by allowing the debaters no option to draw inferences not clearly indicated in the evidence. This view is misguided, in that, again, evidence can only suggest the probability of an action--not guarantee it. In debate, teams supporting a conclusion should state their conclusion, and then indicate the data that support that conclusion. They need not prove that the theory is 100% certain. The judge should then evaluate on the probability that the conclusion is true. The usefulness of evidence in debate depends on the type of conclusions that a debater attempts to support: fact and prediction, where "qualifications" of expertise best enhance probability; claims of value, where expert opinion has little weight; and argument over debate theory, in which quotations from experts are also of little use. (HTH)

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THE USE AND MISUSE OF EVIDENCE IN DEBATE

Walter Ulrich

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THE USE AND MISUSE OF EVIDENCE IN DEBATE

In recent years, debaters have become increasingly reliant on the use of evidence to support their position in a debate round. The amount of research conducted by even an average team is staggering. It is not unusual for teams on the national circuit to carry well over 20-30,000 notecards into a debate. Despite this increased reliance on evidence by debaters, there has been little discussion about the role of evidence in a debate round.[1] Instead, the debate community has developed an implicit philosophy of evidence, the assimptions of which have not been critically evaluated. While it is true that some specific issues about the use of evidence have been discussed (for example, the ethics of evidence), two problems with evidence usage have not been discussed in the literature: the tendency for debaters and judges to view evidence as conclusively proving a point, and the creation of artificially high standards for evidence. This essay will attempt to analyze these two problems and will propose some solutions to there views of evidence.

THE VIEW OF EVIDENCE AS CONCLUSIVE PROOF

There is a tendency on the part of both debaters and judges to assume that if a piece of evidence is read to support an argument, then the argument is established as true with a 100% probability. While this conclusion can be altered if the other team reads counterevidence or presents opposing arguments, it is

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assumed that if a quotation indicates something to be true, it can be assumed that the statement is true. Thus, most of current academic debate depends upon argument by authority.[2]

This view of the role of evidence in debate reflects a naive view of the nature of evidence. Evidence can only point toward a conclusion; it cannot prove a conclusion conclusively. The type of evidence used in debate is often drawn from sources that, while containing some useful evidence on the topic, base their conclusions on partial data. In his article on Time and U.S. News & World Report, Robert Newman, Professor of Speech at the University of Pittsburgh, argued that these widely quoted sources frequently distort the news,[3] a view confirmed by media critic William Rivers.[4] In the area of foreign policy, several observers have argued that the American media coverage is extremely inaccurate; in fact UNESCO has passed a resolution urging that journalists be licensed in order to promote mare accurate reporting.[5] Other critics of the media have also observed shortcommings in the way the U.S. press covers foreign policy.[6] Media critic Edward Jay Epstein, who has tacght political science at both Harvard and MIT notes:

> . . . journalists are rarely, if ever, in a position to establish the truth about an issue for themselves, and they are therefore almost entirely dependent on self-interested 'sources' for the version of reality that they report.[7]

As a result of this limitation, journalists do not, and cannot, present a true image of the world:

> In the more complex and ambiguous recesses of political life, where the outcome is almost always in doubt or dispute, news reports could not be expected to exhaust,

> or perhaps even indicate, the truth of the matter. This divergence between news and the truth stemmed not from the inadequacies of newsmen but from the exigencies of the news business, which could be alloted to any single story.[8]

Nor does the use of experts solve this problem. There has recently been a great deal of publicity over the fact that some researchers have distorted research results to promote their aims.[9] Even if the results are accurate, the opinion of experts do not prove an argument. India's Prime Minister Morarji Desai observed that "an expert seldom gives an objective opinion. He gives his own view."[10] Experts have been coming under increased attack for the failure of their policies to accomplish the desired results.[11] Charles Wolf, dean of the RAND Corporation's Graduate Institute argued:

> Economists are usually reluctant to acknowledge the full extent of their ignorance. One of the great economists of an earlier age, Frank Knight, made a distinction between 'risk' (knowing the odds) and 'uncertainty' (not even knowing enough to calculate them). Ignorance is another name for this kind of uncertainty. And the plain fact is that economists share a degree of ignorance, whose extent they are understandably loath to admit.[12]

Argument takes place in this area of uncertainty. Experts may offer their opinions on what should be done, but these opinions are only educated guesses; they are usually not close to being certain predictions. The president of the Institute for the Future, Roy Amara argues that "anything that you forecast is by definition, uncertain."[13] History is full of examples of predictions of individuals that have been demonstrated to be false.[14] Even statistical proofs have been shown to be inaccurate or of limited use in policy decisions.[15]

This is not to say that evidence from authorities has no use in debate, but it is to say that the degree of certainty attributed to an argument which is supported solely by an individual quotation is quite low. News reports often turn out to be inaccurate. Scholars reflect only one biased viewpoint on an issue. Rather than viewing evidence as conclusive proof, we should view evidence as providing limited support for a position.

If a magazine or an "expert" were to argue that the Astros will win the pennant, that the Rolling Stones are the greatest band in the world, or that Stanley Kubrick is the best film director, we would demand support for these assertions, and we would freely criticize the conclusions. If these same "experts" were to argue that ratification of the SALT II treaty would lead to a nuclear war, however, in many rounds we would take this statement at face value. This view is very shallow; the force of a statement by an expert should be based on the reasons the expert gives for his or her conclusion. If we seek to train debaters in argumentation, we should require that they understand the reasons for the expert's conclusion rather than just accepting the expert's conclusions uncritically. It is the reasons behind the conclusions of the expert that give the argument validity, not the mere opinion of an expert.[16]

In argumentation textbooks, one of the fallacies frequently listed is the fallacy of appeal to authority.[17] While in some cases an appeal to authority may be justified, to act just because someone says we should act is an unwise decision rule. Authorities

can be wrong. The blind obedience to authority poses a great danger to human freedom. It was this acting on the direction of an authority without questioning the reasons that led to Auschwitz and Ma Lai.[18] In a democratic society, it is important to develop the ability to distinguish between wise and unwise belief in authority; to unquestionably follow one individual's testimony could lead to disasterous consequences.

This is not to say that quotations have no role in debate.[19] Indicating where arguments were discovered is a protection against plagerism, and reading evidence is an efficient way of presenting some arguments.[20] As I will indicate in the final section of this paper, evidence, used correctly, can help establish the probability of an argument. My only argument is that evidence does not establish certainty; it merely demonstrates a level of probability.

THE SEARCH FOR THE PERFECT EVIDENCE

One other view of evidence suggests that there exists a perfect evidence card. This view is often promugated by the first negative speaker who pounces on every "may" or "could" in an evidence card, and who constantly points out every methodological defect in any study cited. Debate becomes a search for the perfect evidence card. Judges often contribute to this view of evidence by placing high standards on the content of a card and by allowing the debaters no option to draw inferences not clearly indicated in the evidence.

This view of evidence is also misguided. As indicated earlier, evidence can rarely demonstrate certainty; the best

evidence can do is to suggest the probability of an action. Indeed, anyone that can predict the future with certainty should probably pursue other activities besides making statements for the press. Experts often recognize this limitation by providing qualifications for their conclusions; "X may win the elections if Y". These qualifications may simply indicate the amount of risk that should be connected with the statement. The type of person that makes a categorical statement like "X will cause Y" with no qualifications for his or her conclusion is probably overstating the degree of confidence in the conclusion, or the person may be using the modifier for stylistic reasons.[21] To require that evidence indicare exactly what the team wants to prove may also lead teams to the most extreme sources, which may also be the most unreliable sources.

It is also true that in many cases we must act with imperfect information. Juries often have to reach verdicts with imperfect evidence,[22] and in times of crisis we often have to sift through partial evidence and reach the best conclusion available. In addition, in science no system is ever "proved" by creating a perfect system of evidence; instead a scientist advances a theory and indicates that there is some evidence to support that theory. As opponent of the theory would need to propose an alternative theory and she would have to indicate that the data supports the second theory better than it supports the first theory.[23]

In debate, teams supporting a conclusion should state their conclusion, and then indicate the data that supports that conclusion. They need not prove that the theory is 100% certain,

since that is an impossible burden. Rather, they should gather as much support as possible to back up their conclusion, and the judge should evaluate the probability that the conclusion is true. Even imperfect evidence can help establish a level of probability.[24]

Consider two arguments. Both arguments argue that decreasing arms sales to country X will prevent a war. The first argument consists of one quotation, Mr. Jones (unqualified) argues that, "unless we decrease arms sales to country X, the result will be a war." The second argument consists of several pieces of evidence. The debater observes that, historically, when country X received weapons, it has waged a war. Additionally, psychological studies indicate that if the leader of country X receives weapons, he may use them. Finally, studies of other nations in the region have indicated that those countries that have bought weapons from the U.S. have been involved in wars after the sales.

It should be clear that the second argument, even though it is supported by a series of positions that are tentative, is probably superior to the first. While the first argument is phrased in unambiguous terms, we have no way of knowing why the individual reached the given conclusion. The second argument presents a clearer indication of the basis we have for a conclusion. While the conclusion is not certain, we have good basis to support the conclusion to a limited extent. Georgia Assistant Attorney General Jack Mallard observed, "In most cases circumstantial evidence is better than direct evidence because it doesn't rely on one set of eyes or one person."[25]

EVIDENCE AS ESTABLISHING LEVELS OF PROBABILITY

The implication of these first two positions is that evidence cannot determine certainty; rather it merely helps establish levels of probability. A single piece of evidence, by itself, demonstrates a low level of probability that its conclusions are true. As as argument is supported by other types of support, the level of probability would increase. Thus a one-line card would rarely defeat an argument that has been developed extensively since, without persuasive arguments to the contrary, the well-developed argument establishes a greater degree of risk than the less developed argument. Ten one-line disadvantages would carry little impact, since each disadvantage would have little risk associated with it, while a longer disadvantage would carry a much greater risk (assuming it is properly developed).[26] Obviously, the establishment of risk would go beyond the counting of cards; it would depend upon the strength of the data that is provided in support of an argument, based upon such factors as the reasoning provided in the evidence, the qualifications of the source, etc. In addition, the risk of an argument would be measured, not only compared to the evidence that is used against the position, but also against a standard (equal for both the affirmative and negative teams) for establishing the probability of a conclusion. A one-line add-on, for example, may be won by a team, but it possesses little credibility since it was not developed.

A side benefit of this standard is that it would provide an incentive for teams to avoid the spread. Since a well developed position carries more weight than a one-line attack, and since

the position is unlikely to be dismissed with a one-line quote that a speaker missed, quantity of arguments would be replaced with well developed positions.

THE ROLE OF EVIDENCE IN DEBATE

While evidence cannot promote certainty in a debate, there are some guidelines for the use of evidence in academic debate. The usefulmess of evidence in debate depends on the type of conclusions that a debater attempts to support. The first types of conclusions are those of fact and prediction.[27] These are claims about the way things exist now, and predictions about the future. It is important to understand that an argument in the form of "Jones says that A will cause B" does not mean that A will cause B; it means that Jones <u>thinks</u> A will cause B. Whether or not that has any relevance to the debate depends upon whether Jones is in a position to accurately predict the events in question. To that extent, it is vital that we know the qualifications of the source. Without knowing the qualifications of a source, the conclusions of that source are worthless. Fomer Harvard Political Science Professor Edward Jay Epstein argues:

> Acceptance of such an academic verdict, however, will depend heavily on the qualifications of the researcher, the degree to which his sources are satisfactorily documented, and the process of review by other scholars in the field through which, presumably, objections to the thesis are articulated and errors corrected.[28]

The use of an expert to support a conclusion is appropriate only if the issue is too complex for the debaters to discuss intelligently; if the expert has access to information unavailable to the debaters; or if time constraints require that we accept

the word of an expert. If these conditions are not present, then the best way to evaluate a conclusion is to examine the raw material that the expert uses to draw his/her conclusions and to make our own independent judgements.

Even if we must rely on experts, the degree of certainty that we give to their conclusions will depend on the expertice of the individuals involved. It is ironic that if I make an assertion, that is considered worthless, but if I quote someone else's assertion, it becomes evidence, and if someone quotes my assertion it also is viewed as evidence. The credibility of an argument should not be based on simply if someone said something and it appeared in print; rather it should be based on the qualifications of the person quoted and the basis of their conclusions. There are many conflicting forces that make this expertice hard to establish. Those involved in a dispute may be biased because of their closeness to the dispute.[29] Individuals in a field of study may also suffer from terministic screens that blind them to other potential viewpoints. Thus, an economist will tend to see an economic cause for all problems, a psychiatrist will tend to view all problems from a psychological point of view, and a political scientist will view problems from a political point of view. While all these perspectives may have some validity, the individual involved in making an evaluation of a problem may be blind to other perspectives.

A debater should establish the source's expertice in the particular area under discussion. The fact that an individual is a political scientist does not ensure that the person is an

expert on international affairs; the person could be specializing in urban affairs. Greater credibility should be given to a statement that represents the conclusion of a study on the subject, as opposed to a statement that is made in passing on the way to an alternative subject.

It should also be observed that sheer numbers of quotes should play little role in the evaluation of a position. On any controversial issue, many people disagree. Since a debate is limited to a one hour period, it would be impossible to read all the sources that support either position, nor would this be useful:

> The democratic criterion of adding up confirming and disconfirming interviews, as if they were votes, produces no decisive result, as even total agreement might simply mean that a false account had been widely circulated, while total disagreement might mean that only the original source was privy to the truth about an event.[30]

Authorities have been known to be wrong about many subjects;[31] at one time the consensus of opinion was that the world is flat. The validity of the conclusion should be based upon the support the experts provide for their own conclusions, not the number of authorities that support a conclusion.

A second type of claim that debaters use evidence to support are claims of value. Debaters frequently use quotations to demonstrate that free speech is vital, or that liberty is important. For these types of claims, evidence is of little or no use, except for its rhetorical value or to support minor points supporting the value. Determining what is just or what ends we should seek is not a subject that is open to support by authorities.

When an individual says that the First Amendment is absolute, or that lives outweigh liberty, (s)he is merely indicating a personal preference. To impose one individual's value system on an entire nation is the definition of tyranny. Instead of having the debate degenerate into "they read from Kant, I update with the New York Times in 1982,"[32] we need to develop standards for creating our own value system.

A better way to analyze values is to start with a philosophical or political system (such as Utilitarianism, egoism, etc.) The debater would then explain why this system is the best system to use in determining values, and the debater would outline the major features of that system. The system would then be applied to the controversy at issue. The other team could either present an alternative philosophical system and explain why its system is better, or they could explain how the initial team misapplied their system.[33] The debate over values would be placed in a larger context, rather than being resolved by one individuals opinion.

Evidence has little weight in these argument. An expert has no more special insight into values than does a debater, except perhaps thay may have a greater understanding of some of the issues involved in value conflict. In addition, the educational value of debate would be served by asking debaters to discover the implications of value positions, as well as the reasons behind the position. Finally, an uncritical acceptance of the values of others could be disasterous; witness the events in Germany in the 1930's and 1940's. We cannot afford to blindly accept a value simply because someone says it is a value.

A final type of argument is an argument over debate theory. In this type of argument, quotations are of little use, except perhaps to avoid plagerism. Debate theories should be supported or rejected, not based upon who supports the theory, but based upon the arguments that support them. While there may be an argument that only debate theory that has been published in debate literature should be used in debate (this would provide advanced warning to all involved, ensure that the complete implications of a theory are clear, allow for the theory to be critically evaluated, and it would help promote the theory), whether an argument on theory should be accepted or rejected should be based on the reasons for that theory, and debaters should emphasize the reasons for a theoretical position; they should not just cite the conclusions of that theorist.

Evidence will continue to play an important role in academic debate. The issue that faces all of us is what function does evidence play in a debate, and how should evidence be evaluated. It should be noted that evidence cannot prove conclusively any statement; it can only provide limited support for a conclusion. In addition, we should recognize that all evidence has weaknesses, so the quest for perfect evidence must fail. Instead we should evaluate evidence in terms of the amount of support it provides for a conclusion, realizing that the exact wording of a quotation is often of minor importance. With the amount of time that debaters spend gathering quantities of evidence, it is time to start teaching them how to evaluate that evidence once they have it.

Notes

[1]See, for example, Robert P. Newman and Dale R. Newman, Evidence (Boston: Houghton Mifflin Company, 1969); Charles Arthur Willard, "Some Speculations about Evidence," in Proceedings of the Summer Conference on Argumentation, edited by Jack Rhodes and Sara Newell (Annandale, Va.: Speech Communication Association, 1980), pp. 262-286; and David A. Thomas, ed., Advanced Debate (Skokie, Illinois: National Textbook Company, 1979), pp. 213-286.

[2]William Reynolds, "Theory and Practice in Forensics," in Forensics as Communication, edited by James H. McBath (Skokie, Illinois: National Textbook Company, 1975), p. 115.

[3]Robert P. Newman, "The Weekly Fiction Magazines," Central States Speech Journal, 17 (May, 1966), 118-124.

[4]William L. Rivers, The Opinionmakers (Boston: Beacon Press, 1967).

[5]"Third World vs. Fourth Estate," Time, November 20, 1978, pp. 64-66.

[6]See Barry Rubin, International News and the American Media (Beverly Hills, California: Sage, 1977); Stephen Hess, The Washington Reporter (Washington, D.C.: Brookings Institution, 1981); and John Crothers Pollock, The Politics of Crisis Reporting (New York: Praeger Publishers, 1981). For a critique of current reporting of foreign affairs, see Sara Nicholas, "The Fourth Estate and Affairs of State," Washington Journalism Review, May, 1982, pp. 12-13; "Comment: A Political Press," Columbia Journalism Review, 1982, p. 20; Johnathan Evan Maslow and Anna Arana, "Operation El Salvador," Columbia Journalism Review, May/June 1981, pp. 52-58; Adam Hochschild, "What Isn't Fit to Print," Mother Jones, June, 1981, p. 5; "Covering El Salvador," Newsweek, March 15, 1982, 47-48; "Washington's Press Corps," Newsweek, May 25, 1981, pp. 88-92; and Max Lerner, "Media Vulnerability Evident in Casualty Gaffe," National Comment, September, 1982, pp. 76-77.

[7]Edward Jay Epstein, Between Fact and Fiction (New York: Random House, 1975), p. 3.

[8]Ibid., p. 4.

[9]"Why Scientists Cheat," Newsweek, February 8, 1982, p. 90. See also Jeffrey Katzer, Kenneth H. Cook, and Wayne W. Crouch, Evaluating Information (Reading, Massachusetts: Addison-Wesley Publishing Company, 1978), pp. 3-5; and Jacques Barzun and Henry F. Graff, The Modern Researcher, second edition (New York: Harcourt, Brace & World, Inc., 1970), p. 320.

[10]Quoted in Time, February 27, 1978, p. 47.

[11]See "Social Sciences: Why Doubts are Spreading Now," U.S. News & World Report, May 31, 1982, pp. 70-71.

[12]Charles Wolf, Jr., "My Turn," Newsweek, November 2, 1981, p. 21.

[13]Frank Trippett, "Looking for Tomorrow (and Tomorrow)," Time, April 26, 1982, p. 90.

[14]See Chris Morgan and David Langford, Facts and Fallacies (New York: St. Martin's Press, 1981), and David Wallechinsky, Amy Wallace and Irving Wallace, The People's Almanac Presents the Book of Predictions (New York: Bantam Books, 1981).

[15]See John C. Reinard, "Problems in the Use of Social Science Research in Legal Communication: The Experience with Pretrial Publicity, Inadmissable Testimony, and Juror Biases," paper presented at the Southern Speech Communication Association Convention, April, 1982; Michael Wheeler, Lies, Damn Lies, and Statistics (New York: W.W. Norton & Company, 1976); Stephen K. Campbell, Flaws and Fallacies in Statistical Thinking (Englewood Cliffs, New Jersey: Prentice Hall, Inc., 1974); Darrell Huff, How to Lie With Statistics (New York: W.W. Norton & Company, Inc., 1954); Richard P. Runyon, How Numbers Lie (Lexington, Massachusetts: Lewis Publishing Co., 1981); June Goldfield, Reflections on Science and the Media (Washington, D.C.: American Association for the Advancement of Science, 1981); and David Zarefsky, Erwin Chemerinsky and Alan S. Loewinsohn, "Government Statistics: The Case for Independent Regulation - A New Legislative Proposal," Texas Law Review, 59 (September, 1981), 1223-1246.

[16]Herbert Wechsler, "Toward Neutral Principles of Constitutional Law," Harvard Law Review, 73 (November, 1959), 5, and Henry W. Johnstone, Jr., Philosophy and Argument (University Park: Pennsylvania State University Press, 1959), p. 32.

[17]W. Ward Fearnside and William B. Holther, Fallacy: The Counterfeit of Argument (Englewood Cliffs: New Jersey: Prentice Hall, Inc., 1959), pp. 84-89, and Harold A. Larrabee, ed., Bentham's Handbook of Political Fallacies (New York: Thomas Y. Crowell Company, 1952), pp. 238-240.

[18]Stanley Milgram, Obedience to Authority (New York: Harper & Row, Publishers, 1974).

[19]See Paul F. Boller, Jr., Quotesmanship (Dallas, Texas: Southern Methodist University Press, 1967).

[20]For a criticism of the use of quotes, see Barzun and Graff, pp. 317-320; Mary-Claire van Leunen, A Handbook for Scholars (New York: Alfred A. Knopf, 1979), pp. 45-51; and UCLA Moot Court Honors Program, Handbook of Appellate Advocacy (St. Paul, Minnesota: West Publishing Co., 1980), p. 59.

[21]In this essay, for example, I will frequently leave out qualifiers for stylistic reasons.

[22]See Charles T. McCormick, Frank W. Elliot, and John F. Sutton, Jr., eds., Evidence: Cases and Materials, fourth ed. (St. Paul, Minnesota: West Publishing Co., 1971).

[23]Thomas S. Kuhn, The Structure of Scientific Revolutions, second ed. (Chicago: University of Chicago Press, 1970)

[24]See Eugene J. Webb, Donald T. Campbell, Richard D. Schwartz, and Lee Sechrest, Unobtrusive Measures (Chicago: Rand McNally College Publishing Company, 1966).

[25]"A Web of Fiber and Fact," Time, March 8, 1982, p. 20.

[26]See Vincent Follert, "Risk Analysis: Its Application to Argumentation and Decision-Making," Journal of the American Forensic Association, 18 (Fall, 1981), 99-108; and John P. Holdren, "Energy Hazards: What to Measure, What to Compare," Technology Review, April, 1982, pp. 33-38; 74-75.

[27]See Newman and Newman, pp. 16-52.

[28]Epstein, p. 6.

[29]Epstein, p. 12.

[30]Epstein, p. 12.

[31]See, for example, Howard R. Lamar, "Westward Expansion: The Way it Really Was," The Chronicle Review, May 14, 1979, pp. 6-7; Rochelle Semmel Albin, "The Holiday Blues - A Christmas Fable?" Psychology Today, December, 1981, pp. 10-11; and William Safire, "A Guide to Quotable Misquoted Quotations," Kansas City Star, April 6, 1976, p. 27.

[32]This example comes from Donn Parson of the University of Kansas at the Owen Coon Forum, Northwestern University, February, 1982.

[33]See Henry W. Johnstone, Jr., Validity and Rhetoric in Philosophical Argument (University Park, Pa.: Dialogue Press, 1978); and Stephen Toulmin, Reason in Ethics (Cambridge: Cambridge University Press, 1968). See also Walter Ulrich, "Philosophical Systems as Paradigms for Value Debate," unpublished paper, University of Alabama, 1982.